



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/111,454	07/08/1998	ARIEL BEN-PORATH	49959-013	5838

32588 7590 08/26/2002

APPLIED MATERIALS, INC.
2881 SCOTT BLVD. M/S 2061
SANTA CLARA, CA 95050

EXAMINER

BALI, VIKKRAM

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 08/26/2002

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/111,454

Applicant(s)

BEN-PORATH ET AL

Examiner

Vikkram Bali

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-8, 18-20, 23-25, 35-38, 40-48 and 61-63 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 18-20, 23-25, 35-38, 40-48, 61-63 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

This is in response to applicants amendments received on 6/4/2002, all requested changes to claims have been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2623

3. Claims 1-3, 6-8, 18-20, 23-25, 37-38, 40-42 and 61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al. (US 5801965) in view of Broude et al. (US 5814829) and in further view of Shimizu (US 4849901).

With respect to claims 1-3, 6-8, 18-20, 23-25, 37-38 and 40-42 the rejections are respectfully maintained and incorporated by references as set forth in the prior office action (paper # 20). Newly added claims 61-63 are rejected for the same reasons as set forth for the claims 1, 18 and 37 in prior office action (paper #20), as claims 61-63 are claiming similar subject matter as claims 1, 18 and 37 respectively.

4. Claims 35-36 and 43-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al. (US 5801965) in view of Broude et al. (US 5814829) and in further view of Shimizu (US 4849901) as applied to claim 18, 38 above, and in further in view of Shahar et al (US 5591971).

With respect to claims 35-36 and 43-45 the rejections are respectfully maintained and incorporated by references as set forth in the prior office action (paper # 20).

5. Claims 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al. (US 5801965) in view of Shahar et al (US 5591971).

With respect to claims 46 -47 the rejections are respectfully maintained and incorporated by references as set forth in the prior office action (paper # 20).

6. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al. (US 5801965) and Shahar et al (US 5591971) as applied to claim 46 above, and further in view of Tsuchiya et al (US 5960106).

With respect to claim 48 the rejections are respectfully maintained and incorporated by references as set forth in the prior office action (paper # 20).

Remarks

7. In the amendment filed on 6/4/2002, applicant argued that:

In response to applicant argument that Tagaki does not teach classifying each defect into one of a predetermined number of invariant core classes. Examiner disagrees with the applicant and like to point out that the claims are given it broadest reasonable interpretation. And, in this case Tagaki in figure 3, numerical 352, shows that for classification of the defects detected there are classes "invariant core classes" and subclasses. There is no reason for not having to add any classes. Therefore, the classes at a given time are the standard classes.

In response to applicant argument that Shahar does not teach the optical imager as claimed in claim 46. Examiner disagrees with the applicant and like to point out that the claims are given it broadest reasonable interpretation. In this case, Shahar in col. 5, lines 15-21, describe the optical detectors 240 and 250, see figure 1. Also, the detectors are electron or X-rays detector.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Vikkram Bali
Examiner
Art Unit 2623

vb
August 20, 2002

A handwritten signature in black ink, consisting of a large, stylized 'V' followed by a long, sweeping horizontal stroke that curves upwards at the end.